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ERIKA CANAS, et al.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ERIKA CANAS, JOSE CANAS, a minor, by and through his guardian ad litem, and JESUS CANAS, a minor, by and through his guardian ad litem,

-) No. C-08-5771-JF
-)
-) **STIPULATION TO CONTINUE**
-) **HEARING OF DEFENDANTS' MOTION**
-) **TO DISMISS AND EXTENDING TIME**
-) **TO OPPOSE, AND CONTINUING CASE**
-) **MANAGEMENT CONFERENCE;**
-) **{Proposed}-ORDER**
-) **[Jury Trial Demanded]**
-)
-) Date: July 9, 2010
-) Time: 9:00 a.m.
-) Courtroom 3
-) Honorable Jeremy Fogel

I. STIPULATION

TO THE HONORABLE COURT HEREIN:

The parties, through counsel of record, hereby stipulate as follows:

Defendants CITY OF SUNNYVALE, CHRIS SEARLE, and DARREN PANG have

STIPULATION TO CONTINUE HEARING OF DEFENDANTS' MOTION TO DISMISS AND EXTENDING TIME TO OPPOSE, AND CONTINUING CASE MANAGEMENT CONFERENCE; [Proposed] ORDER
Canas, et al., v. City of Sunnyvale, et al.

1 moved to dismiss the plaintiffs' Fourth Amended Complaint pursuant to Federal Rules of Civil
2 Procedure, Rule 12(b)(6). The opposition is due June 18, 2010, and the hearing is set for July 9,
3 2010, at 9:00 a.m. Counsel have started to meet and confer over the substance of the motion and
4 the perceived deficiencies in the Fourth Amended Complaint.

5 Plaintiffs ERIKA CANAS and minors JOSE CANAS and JESUS CANAS associated
6 attorney Russell A. Robinson, to act as co-lead counsel in this matter. Robinson needs additional
7 time to familiarize himself with the case and to draft an opposition.

8 Therefore, the parties hereby agree that the hearing date on said motion be continued to
9 August 27, 2010, at 9:00 a.m. Plaintiffs' opposition shall be due August 6, 2010.

10 The parties also hereby request, through counsel of record, that the Court continue the
11 case management conference to the same date.

12

13 Date: June 21, 2010

/s/ Russell A. Robinson

14 Law Office of Russell A. Robinson
15 By: Russell A. Robinson
16 Co-Counsel for Plaintiffs
17 ERIKA CANAS and minors JOSE CANAS and JESUS
18 CANAS

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20 Date: June 21, 2010

/s/ Gregory M. Fox

21 Gregory M. Fox
22 Bertrand, Fox & Elliot
23 Attorneys for Defendants
24 CITY OF SUNNYVALE, CHRIS SEARLE, and DARREN
25 PANG

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STIPULATION TO CONTINUE HEARING OF DEFENDANTS'
MOTION TO DISMISS AND EXTENDING TIME TO OPPOSE, AND
CONTINUING CASE MANAGEMENT CONFERENCE; [Proposed] ORDER
Canas, et al., v. City of Sunnyvale, et al.

Case No. C-08-5771-JF

1 **II. ORDER**

2 Based on the above, and good cause appearing,

3 The Court hereby orders as follows:

4 The hearing date on Defendants' motion is continued to 8/27, 2010, at 9:00 a.m.

5 Plaintiffs' opposition shall be due 8/6, 2010.

6 The case management conference is also continued to 8/27, 2010, at 9:00 a.m.

7 The joint case management conference statement shall be due 8/20, 2010.

8 **IT IS SO ORDERED.**

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10 Date: 6/24/2010

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HONORABLE JEREMY FOGEL
United States District Court
Northern District of California

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STIPULATION TO CONTINUE HEARING OF DEFENDANTS'
MOTION TO DISMISS AND EXTENDING TIME TO OPPOSE, AND
CONTINUING CASE MANAGEMENT CONFERENCE; [Proposed] ORDER
Canas, et al., v. City of Sunnyvale, et al.

Case No. C-08-5771-JF